

LIQUOR ADVISORY BOARD
Tuesday, May 19, 2008
6:00 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

LAB Members: Alicia DiBenedetto Neubauer
Aaron Magdziarz
Dan Roszkowski
Julio Salgado
Scott Sanders
Craig Sockwell

Absent:

Staff: Jessica Roberts, Planner II
Sandra Hawthorne, Administrative Assistant
Jennifer Cacciapaglia, City Attorney
Kerry Partridge, City Attorney (arrived 6:18 PM)
Jon Hollander, Public Works

Others: Reid Montgomery, Director Community & Economic
Development
Alderman Frank Beach
Kathy Berg, Stenographer
Applicants and Interested Parties

The meeting started at 6:00 P.M. A **MOTION** was made by Alicia Neubauer to **APPROVE** the minutes of the April 21, 2009 meeting as submitted. The **MOTION** was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0

Sandra Hawthorne explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representative are to come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name and address to the Liquor Advisory Board secretary and the stenographer
- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.

The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the next meeting was given as Monday, June 1st, at 4:30 PM in Conference Room A of this building. The public in attendance, applicants, objectors and interested parties were instructed that they could contact Sandra Hawthorne in the Zoning Office for any further information by calling the phone number listed on the top of the agenda which was made available to all those in attendance at the beginning of the meeting.

09-LAB-003

Applicant
Ward 10

3780 East State Street

James Funk / John Kennedy

Sale of liquor by the drink in conjunction with a nightclub in the names of
James W. Funk & John M. Kennedy, d/b/a Tabu Nightclub & Lounge in a
C-2, Limited Commercial District

Laid Over from April meeting

This item was heard at the April 21st meeting and was Laid Over to allow Staff to provide a copy of the Miracle Mile plan to the Board. A letter from the President of the Miracle Mile, Peter Roche, stating they were opposed to the approval of this application because of the past history on this property was also received prior to the meeting and provided to the Board.

James Funk and John Kennedy, Applicants, were present. Mr. Funk presented a brief summary of this item, which was presented in detail at the April meeting. A brochure of the Tabu Nightclub Mission Statement was presented, providing information on how the concerns of the Miracle Mile would be met as well as details on security and dress code issues. The letter from Peter Rouché was addressed by Mr. Kennedy as laid out within the submitted document. Mr. Funk stated Chief Frank Schmitt and Todd Cagnoni visited the building to view the progress and it was determined that the capacity figure of 900 clients would be reduced considerably. Mr. Funk stated emphatically that rap music will not be played at this establishment, nor music that tends to bring in a rowdy crowd of people. Hours and days of operation, parking, and maintenance of the premises were reviewed. Mr. Funk further stated there are 19 empty businesses in the Miracle Mile at this time. He provided minutes from the April 15th Miracle Mile meeting and pointed out that the only reference made to Tabu at the meeting was a notation in the minutes that there would be both Zoning and Liquor Advisory Board meetings on the Tabu on April 21st and anyone opposed were encouraged to attend or send letters prior to the meeting. No letters were received prior to the April meetings from members of the Miracle Mile, nor was anyone in attendance at the April meeting to voice objections or ask questions. Mr. Funk explained Tabu will create 35 jobs and is a "recession proof" business. He went on to say for ten years this establishment known as Elixir was run under one management with no problems. The most recent problems at this property did not occur until the business was sold to new management.

Staff Recommendation remains at Denial. Objectors were present.

Tom Baudhuin, 5137 Parliament, stated he is the owner of one of the businesses in the Miracle Mile. He does not feel this is the proper location for a nightclub. Mr. Baudhuin said this is a neighborhood area and putting in a club with 500 patrons would not be a welcome business.

Brian Suh, 4431 East State Street, stated his concerns come from past problems in this area. He felt although the new owners have good intentions, the same negative elements still apply. Mr. Suh stated the rowdy crowd and people who use drugs would still be attracted to this business.

Attorney Nancy Hyzer was present representing the Miracle Mile. In the past they has opposed nightclub use in this area based on their strategic development plan to develop businesses, and to protect neighborhoods near this district. Attorney Hyzer stated the Miracle Mile is neither supporting nor opposing this establishment at this meeting, but would like the city to take into consideration the use for the area.

Alderman Frank Beach was present as ward Alderman. He stated every applicant who has come into this establishment has spoken to him and come in with good intentions. He clarified it was not his intent to speak against the intentions of the Applicants, but his concerns are based on past history of problems with the use of a nightclub at this location.

In response, Mr. Funk stated this establishment will not be just a dance club, but more of a professional club. He stated the Miracle Mile consists of small businesses in the area and he was not under the impression that this was a gated community and that the Miracle Mile group could determine who could or could not come into the community. Shooter's Bar and Royal Liquor, are in this same area and the Applicants feel they should be allowed the same opportunity to prove themselves.

Attorney Cacciapaglia stated she had no questions, but did have a drafted list of ten conditions of approval should the Board chose to approve this item. Jessica Roberts, Planner II, and acting in behalf of Todd Cagnoni presented this list of recommended conditions for the Board's clarification.

Scott Sanders asked for clarification of capacity. Ms. Roberts stated capacity would be significantly reduced to a maximum capacity of 450 people or less, based on Fire Chief Schmitt's discussions with her. Mr. Sanders stated unless the City has taken a position of eliminating night clubs in the City of Rockford, he feels this is an appropriate location for this business. It is a commercial area and he does not find it inconsistent with the Miracle Mile plan. He also commented this was one of the most thoroughly prepared applications and presentations he has seen. Alicia Neubauer stated she also agreed with these statements and is inclined to move ahead with approval. In regards to a question of whether a condition needs to be added regarding there shall be no criminal activity, Attorney Cacciapaglia stated condition 9 addresses any activity that would not be legal or problematic. She also stated the ratio of 1 security personnel to every 50 patrons is standard in the industry. Mr. Sanders felt the suggested conditions of approval were identifiable and enforceable.

A **MOTION** was made by Scott Sanders to **APPROVE** the sale of liquor by the drink in conjunction with a nightclub in the names of James W. Funk and John M. Kennedy, d/b/a Tabu Nightclub & Lounge in a C-2, Limited Commercial District at 3780 East State Street subject to added conditions 1-10. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Hours of operation shall be limited to 8:00 PM to 2:00 AM Wednesday through Saturday, and Sunday 12:00 PM to Midnight.
2. Security shall be provided at a minimum of 1 per 50 patrons.
3. The business shall operate according to the submitted business and security plan.
4. The business shall maintain a parking agreement with the adjacent property for a minimum of 50 parking spaces or modification of Special Use Permit approved by City Council.
5. The property shall maintain a maximum capacity of 450 people unless reduced as determined by the Fire Department.
6. The interior layout of the business shall be consistent with the submitted site plan, Exhibit K.
7. All applicable building and liquor codes shall apply.
8. The business shall operate in conformance with the submitted dress code.
9. The use of the property shall not detrimentally effect the surrounding neighborhood and businesses or unduly burden the City of Rockford Police Department.
10. The business shall provide parking lot patrol and security during hours of operation and until the parking lot is cleared of all patrons.

09-LAB-006

Applicant
Ward 10

5494 East State Street

Rick White

Sale of beer and wine by the drink in conjunction with a sit-down restaurant with an outdoor seating area in the name of Rick White d/b/a Bandana's Bar-B-Q in a C-2, Limited Commercial District

The subject property is located 446 feet east of the East State Street and North New Towne Drive intersection and is the former Tumbleweeds Restaurant. Joe Sprenke, District Manager with Bandana's, reviewed the Applicant's request. Hours of operation are proposed as 11:00 AM to 9:00 PM Sunday thru Thursday, Friday and Saturday 11:00 AM -10:00 PM. He estimates 4% of gross sales will be alcohol, stating this establishment will be a family-oriented restaurant.

Attorney Cacciapaglia clarified that the Applicant wanted only beer and wine and not a full liquor license, to which Mr. Sprenke agreed.

Staff Recommendation was for Approval with 7 conditions.

A **MOTION** was made by Craig Sockwell to **APPROVE** the sale of beer and wine by the drink in conjunction with a sit-down restaurant with an outdoor seating area in the name of Rick White d/b/a Bandana's Bar-B-Q in a C-2, Limited Commercial District at 5404 East State Street. The Motion was **SECONDED** by Julio Salgado and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all applicable Building and Fire Codes
2. Compliance with all City of Rockford Liquor Codes
3. The hours of operation will be limited to 11:00 AM to 9:00 PM Sunday through Thursday
4. The hours of operation will be limited to 11:00 AM to 10:00 PM Friday through Saturday
5. Submittal of Building Permits for Staff review and approval
6. Submittal of a detailed site plan for Staff's review and approval
7. The sale of alcohol shall be limited to the interior site and outdoor seating areas that were submitted.

09-LAB-007

Applicant
Ward 12

3207 North Main Street

Jill Bosselman

Sale of liquor by the drink in conjunction with a restaurant and outdoor seating area in the name of Jill Bosselman d/b/a Whiskey's Roadhouse, Inc. in a C-2, Limited Commercial District

The subject property is located on the east side of North Main Street, 575 feet north of Country Club Beach and is the former Cheers restaurant and tavern, now vacant. Kristie Haynes-Frye, Jill Bosselman, and Glenn Avery were present. Ms. Haynes-Frye reviewed the request. She stated there was concern with Staff condition 4 which states the existing free-standing sign must come into compliance with the current Ordinance and the sign above the roofline must be removed. Mr. Avery stated because the previous Cheers sign has been removed, the most cost effective way to change the sign is to put the new owners sign in the vacant location. He feels bringing the sign in compliance with the Ordinance would put considerable cost on the applicants. Mr. Avery also feels an 8 foot sign would create a visual impairment when exiting the parking lot on to North Main.

Attorney Cacciapaglia pointed out there is an open floor area greater than 150 square feet shown on the submitted floor plan. This space qualifies the application as a nightclub use. Ms. Haynes-Frye stated it is their intent to bring in a pool table for this area, and Attorney Cacciapaglia asked that a condition be added stating there shall not be an open area of 150 square feet or more.

Staff Recommendation was for Approval of the sale of liquor by the drink in conjunction with a restaurant, and Denial of the outdoor seating area, subject to 8 conditions.

Ms Neubauer asked for clarification of the sign issue, since this was a liquor license request. Ms. Roberts explained that signage on a parcel is expected to be brought up to date when there are changes to the use or property, such as this request. Mr. Sanders feels there is not much wall location signage and feels the existing roof sign is appropriate. He suggested the Applicant remove the pylon sign and maintain the roof signage, thereby striking the portion of condition 4 stating the roof sign be removed. Mr. Roszkowski was in agreement.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the sale of liquor by the drink in conjunction with a restaurant and Denial of the outdoor seating area in the name of Jill Bosselman d/b/a Whiskey's Roadhouse, Inc. in a C-2, Limited Commercial District at 3207 North Main Street with modification of condition 4. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Compliance with the Liquor Ordinance
2. Compliance with all applicable building and fire codes
3. The landscaping as shown on Exhibit D needs to be maintained in a healthy condition and replaced if plantings have died
4. The free-standing sign must come into compliance with the current Ordinance by removing the sign and installing an 8' high monument sign. Any future wall sign must not extend past the roof line of the building.
5. The parking lot must be restriped to meet code.
6. Hours of operation are limited as provided on the submitted Business Plan.
7. the property is limited to the entertainment as indicated in the submitted Business Plan.
8. That there shall be no cover charge.
9. No open area greater than 150 square feet.

With no further business to come before the Board, the meeting was adjourned at 7:00 PM.

Respectfully submitted,
Sandra A. Hawthorne, Administrative Assistant
Liquor Advisory Board